

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

United States of America, *et al.*,

Plaintiff,

v.

Google LLC

Defendant.

Case No. 1:23-cv-00108-LMB-JFA

The Honorable Leonie M. Brinkema

**DECLARATION OF RON DAVIS IN SUPPORT OF NON-PARTIES OMNICOM
GROUP INC., DDB WORLDWIDE COMMUNICATIONS GROUP LLC, GSD&M
LLC, AND OMD USA LLC'S MEMORANDUM IN RESPONSE TO, AND IN
SUPPORT OF, THE PARTIES' MOTIONS TO SEAL (ECF NOS. 605, 612, 651, 661,
667, and 712)**

DECLARATION OF RON DAVIS

I, Ron Davis, declare as follows:

1. I am the Senior Vice President, Lead Contracts Officer, Team DDB at DDB Chicago Inc. (“DDB”), a subsidiary company of Omnicom Group Inc. (“Omnicom”). I have personal knowledge of the facts set forth herein and if called as a witness could and would testify competently to them. I make this declaration in support of Omnicom’s Motion to Seal Portions of the Parties’ Briefing on Summary Judgment.

2. DDB is an integrated creative advertising agency that creates advertising and marketing campaigns on behalf of clients. These campaigns are designed to meet each client’s specific business or awareness goals and are a product of extensive client input, market research and creative brainstorming. As a subject matter expert in the creative advertising and marketing space, DDB is intimately familiar with the platforms, products, and tools available to advertising and marketing clients.

3. I have been the lead contracts expert on the Army’s account with DDB for the last five years. As part of my responsibilities, I manage contracts for an integrated team of ten agencies providing media, advertising and marketing services for the Army. Prior to my time in the private sector, I served twenty-one years in the U.S. Army and Ohio Army National Guard, retiring as a Major in 2006.

4. DDB’s partnership with the Army began in 2018 when DDB submitted a bid as the prime contractor in response to the Army’s open competition for full-service media planning/buying, advertising and marketing services. In submitting its bid, DDB leveraged its (and its team members’) expertise in the industry to create competitive spending allocations and recommendations across media, advertising and marketing channels. The substance of these

recommendations make up a proposed full-service media, advertising and marketing plan and determine what DDB is then authorized by the Army to spend. This proprietary information plays a significant role in DDB's success in the industry.

5. Exhibit 97 to the Declaration of Bryon Becker in Support of Defendant's Motion for Summary Judgment (ECF Nos. 595-7, 604-4) includes data from two Google platforms, DV360 and Google Ads, relating to purchases made by DDB on behalf of the Army. This data breaks down Google's exact revenue amount for distinct DDB media purchases. These itemized revenues reflect exact investment amounts that DDB was authorized to execute on behalf of the Army pursuant to the scope of work. This information represents DDB's confidential investment strategy in relation to DDB's media, advertising and marketing plan devised for the Army.

6. Exhibit 92 to Plaintiff's Opposition to Defendant's Motion for Summary Judgment (ECF No. 665-11) is an actual procurement contract from the Army authorizing a five-year contract with DDB for its media, advertising and marketing services. The itemized pricing set out in this contract represents DDB's proprietary, confidential, and competitively sensitive winning bid for the Army's business.


7. Exhibit 140 to Defendant's Reply in Support of its Motion for Summary Judgment (ECF No. 709-8) is a collection of vouchers and invoices tracking a national media investment made by DDB through Google on the Army's behalf for March 2022. These include an invoice from Google to the Omnicom agency OMD USA LLC ("OMD"), an invoice from OMD to DDB, an invoice from DDB to the Army, and a payment voucher from the Army to DDB. These receipts provide the exact investment amount that DDB was authorized to execute through Google on behalf of the Army. This information represents DDB's confidential investment strategy in relation to DDB's media, advertising and marketing plan devised for the Army.

8. The fixed monthly and annual cost pricing set forth in DDB's winning bid and the final investment costs reflect DDB's recommended optimal staffing mix of media, advertising and marketing personnel required to meet the Army's recruitment goals. Public disclosure of these specifics, particularly the spend amounts, would be detrimental to both the Army and DDB. DDB's discussions, analyses, and calculations relating to these spend proposals, including final bid amounts, have substantial economic and competitive value to DDB. DDB spends a significant amount of money and resources to develop the specialized knowledge of the media, advertising and marketing marketplace required to create its commercially competitive spend proposals.

9. Public disclosure of this contract and the information contained within it would be detrimental to both the Army and DDB. Public disclosure would reveal confidential Army information and provide insight into their recruitment strategies and objectives, which are shaped by the work of DDB. Public disclosure of the Army's specific mix of media, advertising and marketing personnel investments would provide competing recruiting entities and DDB's competitors an inside look into how DDB operationalizes a full-service media, advertising and marketing account for specific clients. This is the exact sort of analysis and planning upon which DDB competes to remain competitive in the market.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 12, 2024, in Chicago, Illinois.



Ron Davis